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8 UNITED STATE DISTRICT COURT
9 DISTRICT OF NEVADA

10 ROBERT J. GARDNER, individually, and as
11 Co-Special Administrator of the Estate of
GARRETT E. GARDNER, deceased; KIM
12 GARDNER, individually, and as Co-Special
Administrator of the Estate of GARRETT E.
13 GARDNER, deceased; and THE ESTATE OF
14 GARRETT E. GARDNER,

15 Plaintiffs,

16 vs.

17 LAS VEGAS METROPOLITAN POLICE
18 DEPARTMENT, a political subdivision of the
State of Nevada and the County of Clark and
19 operator of Clark County Detention Center,
NAPHCARE, medical care provider for the
20 Clark County Detention Center; DOE
NAPHCARE DEFENDANTS I-X, individuals
21 employed by NAPHCARE; DOE CCDC
22 DEFENDANTS I-X, Corrections Officers
employed as CCDC; and ROE ENTITIES I-X,
23 inclusive,

24 Defendants.

Case No. 2:17-cv-00352 JCM-PAL

**STIPULATION TO EXTEND
DISCOVERY PLAN AND SCHEDULING
ORDER**

25 Defendants and plaintiffs, by and through their respective counsel, and pursuant to Local
26 Rule 26-4, stipulate to modify their discovery plan as follows:
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1 1. Plaintiff filed their complaint in the District Court for Clark County, Nevada on
2 January 17, 2017. (Doc. 1).

3 2. Defendant Las Vegas Metropolitan Police Department filed its answer on February 9,
4 2017. (Doc 4).

5 3. Defendants Naphcare filed its Answer on March 20, 2017. (Doc. 8).

6 4. The parties held their F.R.C.P. 26 conference on March 24, 2017, and filed their initial
7 Stipulated Discovery Plan and Scheduling Order in compliance with F.R.C.P. 26(f) and LR 26-1(e) on
8 April 10, 2017
9

10 5. Subsequent to the conference, Plaintiff's initial attorney had to withdraw for health
11 reasons. A Motion to Stay was filed by Plaintiffs on August 17, 2017 along with a motion to
12 Withdraw. The Motion was granted and Plaintiffs filed Motions to Extend Time to Retain Counsel on
13 September 25, 2017 and November 30, 2017. A Notice of Appearance of Plaintiff's current counsel
14 was filed on January 12, 2018. Once Plaintiffs obtained new counsel, the parties agreed to the
15 following dates:
16

17 Last day of discovery: July 10, 2018

18 Last day to amend/add: April 12, 2018

19 Initial expert disclosure: May 14, 2018

20 Joint Interim Status Report: May 14, 2018

21 Rebuttal expert disclosure: June 12, 2018

22 Dispositive motions filed: August 8, 2018

23 Joint pre-trial order: September 7, 2018

24 This discovery plan was signed by United State Magistrate Peggy Leen on February 9, 2018
25 (Doc. 30).
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1 6. In compliance with Local Rule 26-4, the parties provide the following information
2 regarding the discovery status:

3 a. Discovery Completed:

4 Plaintiff's Initial Disclosures: March 27, 2017;

5 Defendants' Initial Disclosures: April 5, 2017 and June 14, 2017;

6 Defendant LVMPD's First Supplemental Disclosures: June 7, 2017;

7 Defendant Naphcare's First Supplemental Disclosure: August 3, 2017;

8 Defendant Naphcare's Second Supplemental Disclosure: February 26, 2018;

9 Defendant Naphcare's Third Supplemental Disclosure: March 15, 2018;

10 Defendant Naphcare has propounded written discovery and Plaintiff has responded to same;

11 Defendant LVMPD has propounded written discovery and Plaintiff has responded to same;

12 Plaintiffs have propounded written discovery and Defendants have responded to same;

13 Depositions of Plaintiffs.

14 b. Discovery that remains to be completed: Further written discovery will likely be
15 propounded by Defendants and Plaintiff. The depositions of Defendants and treating physicians
16 remain to be taken. Expert disclosures need to be completed by all parties and depositions of disclosed
17 experts will need to be completed. Additional depositions of percipient witnesses need to be
18 completed. Additional medical records of the plaintiff need to be subpoenaed and disclosed.
19

20 c. Reasons why discovery was not completed: The parties have been working diligently
21 in order to complete discovery. The parties agree that there are a significant number of treating
22 physicians who need to be deposed so that the parties respective experts have that information.
23 Additionally, the parties are working on scheduling the deposition of the Person Most Knowledgeable
24 on behalf of Naphcare (the deposition of the Person Most Knowledgeable for LVMPD has been set)
25 and agree that such needs to take place before expert disclosures. Counsel for Defendant Naphcare
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27
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will be out of the country for a week in May decreasing the amount of time the parties will have to complete this necessary discovery.

d. Proposed schedule for completion of remaining discovery (extension of remaining deadlines by approximately 60 days):

Discovery Cut Off: September 8, 2018

Motions to Amend/Add: Closed

Disclosure of Experts: July 13, 2018

Disclosure of Rebuttal Experts: August 12, 2018

Dispositive Motion deadline: October 8, 2018

Pre-Trial Order: November 7, 2018

Interim Status Report: July 13, 2018

Dated this 4th day of May 2018.

Dated this 4th day of May 2018.

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MORRIS//ANDERSON

/s/ Amanda J. Brookhyser

/s/ Jacob Leavitt .

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Attorneys for Defendants

DATED this 4th day of May 2018.

IT IS SO ORDERED this 8th day of May, 2018.

KAEMPFER CROWELL

/s/ Lyssa Anderson



Lyssa S. Anderson

Peggy A. Leen

Ryan W. Daniels

United States Magistrate Judge

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Police Department